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C O N F I D E N T I A L SECTION 01 OF 05 TASHKENT 001817

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SUBJECT: GOU PROVIDES WRITTEN REBUTTAL TO EU ON HUMAN RIGHTS

REF: A. TASHKENT 1345

[1](#)B. TASHKENT 1447

[1](#)C. TASHKENT 1414

[1](#)D. TASHKENT 1764

Classified By: POLOFF R. FITZMAURICE FOR REASONS 1.4 (B, D)

[1](#)1. (C) Summary: During an Embassy event on October 9, MFA U.S. Affairs Chief Ismat Fayzullaev provided, at Deputy Foreign Minister Nematov's request, the Ambassador with a written GOU rebuttal to recent public statements made by EU officials criticizing human rights abuses in Uzbekistan. The rebuttal, written prior to the EU's October 15 decision to partially suspend sanctions, vigorously defends the Uzbek government's record on civil society development, media freedom, religious freedom, ICRC prison monitoring, and investment in health and education. Although the document provides little new information or rhetoric, it underscores that the Uzbeks do not share our perception of what constitutes an honest dialogue on human rights abuses with the EU or any other international actor. Nevertheless, it also reconfirms that the GOU follows very closely statements made by foreign institutions and individuals about Uzbekistan, suggesting the regime still values international legitimacy. This in turn suggests there is a limited basis on which to selectively engage the GOU on human rights as part of an overall improvement in the tone of our bilateral relationship. End summary.

REACTION TO PUBLIC STATEMENTS BY EU OFFICIALS  
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[1](#)2. (C) The written statement responds to recent public statements by EU officials, including those of Riina Kionka, an EU human rights envoy and personal representative of EU foreign policy chief Javier Solana, who is quoted as saying that EU sanctions against Uzbekistan have been effective in opening a channel of communication with Uzbekistan, but that the Uzbeks have not expressed a sincere desire to discuss human rights issues. In their response, the Uzbeks describe Kionka's statements as "prejudiced and even provocative" and claim that they have always been open to dialogue with the

EU. It points out that the Uzbeks have discussed human rights on numerous occasions with the EU and agreed in November 2006 to a structured and recurring dialogue on human rights. The Uzbeks appear especially rankled that the EU is pursuing a human rights dialogue with only Uzbekistan as part of its new Central Asia Strategy. British poloff Ben Greenwood confirmed to poloff on October 19 that the Government has shared the document with European Embassies in Tashkent. We will provide the desk with a copy via classified email.

13. (C) In their reply, the Uzbeks defend their record on civil society development, media freedom, religious freedom, ICRC prison monitoring, and investment in health and education. But much of the rhetoric differs little from previous public and private statements by the GOU, and the evidence cited to back up their assertions is often misleading, and in a few cases -- such as with the number of NGOs operating in the country -- exaggerated to the best of our knowledge.

UZBEKISTAN INVITES OSCE ELECTION OBSERVERS; LEAVES DOOR OPEN TO OTHER MONITORS

14. (C) The response states that the government "intends to invite" observers from the OSCE to observe the December 23 presidential election. On October 19, OSCE Human Dimension officer Bernard Rouault informed the Embassy via email that the OSCE's Office for Democratic Institutions and Human Rights - Elections (ODIHR) had received a formal written request to provide observers for the December presidential

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election and forwarded us a copy of the official request. The GOU's response to the EU states that "everyone who wishes will be invited as observers" and will be able to monitor the election, theoretically leaving the door open to other groups as well.

GOVERNMENT NUMBERS ON CIVIL SOCIETY EXAGGERATED

15. (U) In the document, the government recognizes that NGOs "play an essential role in the democratization of society" and notes that it "pays close attention to the creation of favorable legislative norms" aimed at supporting civil society. It claims that there are now more than 5,000 NGOs in Uzbekistan, including 50 branch offices of international NGOs. It goes on to say the number of NGOs has increased two and half times since 1995 and more than 25 foreign NGOs whose activity was suspended by court decisions were able to re-register with the Ministry of Justice (MOJ) and have continued their operations in Uzbekistan. The statement obliquely refers to NGOs which "roughly and occasionally consciously break" their "statutory purposes" or Uzbek laws.

16. (C) USAID Country Director reported that the government figure of 5,000 NGOs in Uzbekistan was exaggerated and estimated that the true number of functional local and international NGOs is now closer to 300 based on data shared among other donors. He reported that the government forced all international NGOs to re-register with the MOJ in 2006 and thought it was likely that approximately 25 of them funded by USAID have since continued operations, with only two -- the National Democratic Institute (NDI) and the Open Dialogue Project -- engaged in any sort of human rights or political reform work.

17. (U) Poloff consulted a useful website ([www.uzngo.info](http://www.uzngo.info)) that lists local NGOs that have closed and those which continue to operate in each of Uzbekistan's provinces. The website names over 300 local NGOs that were either forced to close or chose to liquidate themselves under government pressure between 2004 and 2007. It also lists 299 local NGOs, 290 government-controlled NGOs (GONGOs) and 247

professional and sport associations that continue to operate as of June 1.

GOU CLAIMS NUMBER OF HUMAN RIGHTS GROUPS ALSO INCREASING  
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¶8. (U) The GOU reply claims that the number of human rights NGOs in Uzbekistan is increasing and lists several groups supposedly active in Uzbekistan, including Human Rights Watch; Ezgulik and the Independent Human Rights Organization of Uzbekistan, the only two registered local human rights organizations; and several quasi-governmental NGOs.

¶9. (C) Comment: Although Human Rights Watch has not officially departed Uzbekistan, the organization was effectively forced to close its doors in July after the MOJ refused to accredit its last remaining expatriate staff member (ref A). In 2006, the government also forced the closure of several international NGOs involved in human rights issues, including Freedom House and the American Bar Association Central European and Eurasian Law Initiative (ABA/CEELI). The closing of such organizations, plus tacit limitations on the two international NGOs still operating and limits on Embassy activity, have all significantly lessened the availability of human rights information in Uzbekistan. End comment.

GOU DECREE ON PROVIDING ASSISTANCE TO NGOS  
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¶10. (C) In defending its record on civil society, the reply highlights an April 28 decree of the Cabinet of Ministers

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under which officially registered NGOs engaging in "socially significant activity" for at least one year are eligible to receive state funding in the form of subsidies, grants and "state social orders." According to the decree, subsidies are intended to defray an NGO's basic operating expenses and will be administered directly by the Ministries of Finance and Justice. Grants and state social orders essentially are government contracts awarded competitively to NGOs for the fulfillment of social projects. However, the Uzbek reply to the EU neglects to mention that the funding is available only to officially registered NGOs, the majority of which are quasi-governmental. During a government-organized human rights conference on October 17, National Human Rights Center Director Akmal Saidov (also a presidential candidate) stated that 17 grants have been dispersed to NGOs since the legislation went into effect in July. He did not mention which organizations had received the grants.

DIDN'T YOU READ ABOUT OUR FREE MEDIA?  
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¶11. (U) According to the reply, Uzbekistan's mass media is immune from censorship and there are approximately 500 independent newspapers, magazines, radio and television stations, news agencies and websites in the country. It further claims that the government is actively promoting greater competition between media outlets.

¶12. (C) Comment: Independent newspapers and television stations exist in Uzbekistan, but they all practice heavy self-censorship and almost always carry stories favorable to the government. The GOU's claims about promoting greater competition between media outlets is especially difficult to accept given the recent case of the independent "Odamlar Orasida" ("Among the People") newspaper, which was forced to close in July after attaining a circulation of 24,000 copies in just a few months - a readership higher than that of most official publications. Its success was largely attributed to discussions of social issues such as infant mortality, homosexuality and prostitution, which are largely ignored by competing government-supported newspapers (ref B). Embassy press information assistant FSN reported that "Odamlar

Orasida" was told that it could reopen if it replaced its editor, which it agreed to do, but the newspaper still has been unable to reopen. End comment.

#### THE GOU ON RELIGIOUS FREEDOM

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¶13. (U) In defense of the GOU's record on religious freedom, the reply notes that the number of mosques in Uzbekistan has increased from only 84 in 1990 to 2,029 in 2007. In the past year, 900 students attended Uzbekistan's 10 madrassahs and 124 students studied at the Tashkent Islamic Institute under the Muftiate (Note: To become an imam, an individual must graduate from a madrassah or the Tashkent Islamic Institute. End note.) In addition, 49 students attended Uzbekistan's Orthodox Seminary and 33 its Protestant seminary. The statement notes that the law allows religious organizations to "make, export, import and distribute religious materials" and observed that the New Testament and 16 books of the New Testament have been translated into Uzbek and published. Since independence, the government has reportedly assisted more than 50,000 Uzbek citizens conduct pilgrimages to holy sites.

¶14. (C) Comment: Given reports of overflowing mosque attendance, especially among youth, it is unclear whether the government is training enough imams or allowing the construction of enough mosques to meet the spiritual demands of its people. Furthermore, despite its recognition that Christian literature has been translated into Uzbek, the Government has detained several shipments of such material. Last year, the GOU detained 4,500 copies of Uzbek

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translations of several Old Testament books (ref C). The government also has continued to detain shipments of Jehovah's Witnesses religious material headed for both Uzbekistan and Tajikistan (ref D). In the past year, the number of pilgrims from Uzbekistan participating in the Hajj increased from 4,500 to 5,000, but this number is still only a fraction of the country's total possible number of pilgrims. End comment.

¶15. (U) The GOU's response to the EU recognizes some limits on religious freedom in Uzbekistan, including laws against proselytism, missionary activity, and the formation of religious political groups or religious associations promoting religious hatred. The statement also broadly defines proselytism as "actions aimed at the manipulation of believers of one faith into another."

#### BLAMING THE ICRC FOR SUSPENSION OF PRISON MONITORING

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¶16. (C) From 2001 until the suspension of its prison monitoring program in 2004, the statement notes that the ICRC conducted 119 visits to correctional facilities and interviewed more than 1,500 prisoners. It accuses the ICRC of breaking its confidentiality agreement with the GOU by distributing a memo among Tashkent's diplomatic corps in February 2005 explaining its decision to suspend visits to detention facilities. During negotiations in May, the GOU claims that it offered to allow the ICRC to visit a women's prison colony in Tashkent and a prison in Bukhara, but ICRC rejected the proposal. The statement also notes that ICRC has prison monitoring agreements similar to the one with Uzbekistan with only a few other countries.

#### NEXT ROUND OF HUMAN RIGHTS DIALOGUE WITH EU SET FOR SPRING

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¶17. (C) The statement stressed that Tashkent is ready to continue dialogue with the E.U. on human rights, but that the agreement reached in November 2006 stipulated that the dialogue could only be conducted within the framework of the Subcommittee on Justice and Home Affairs, which only meets

once a year. The Uzbeks indicate that they prefer to wait until the Subcommittee meets again in the second quarter of 2008 to hold the next round of the human rights dialogue.

NO CRISIS HERE...

¶18. (C) The statement also takes umbrage at the words of Alain Deltroz of the International Crisis Group, who is quoted as stating that the "...E.U. should isolate Uzbekistan from other Central Asian republics" and that "Uzbekistan faces social catastrophe" with plummeting standards in the fields of health care and education. In the sphere of health, the statement argues that infant mortality since independence has dropped from 35 cases per 1,000 births to 14 cases and that life expectancy has increased from 66 to 70 years for men and 70 to 74.5 years for women. Since the launch of a national educational program in 1997, the statement says the GOU has spent more than 5 billion dollars on building or renovating 1,140 academic lyceums and professional colleges and providing modern equipment to 4,680 secondary schools. It claims that the government currently spends 9 percent of GDP on education, a figure much higher than any of its neighbors.

¶19. (C) Comment: According to an USAID Health Advisor, the GOU's figures on life expectancy appear to be roughly accurate, but its figure on infant mortality appears to be too low. In a report this year endorsed by the Uzbek Ministry of Health, UNICEF reported an infant mortality rate of 48 cases per 1,000 births. On the other hand, the government has been clearly investing funds in building new

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lyceums and colleges across the country. This year, the government also instituted a reform by which all students will attend college or lyceum for three years after finishing the 9th grade at secondary school. However, salaries for teachers remain low and corruption within the educational system remains a serious and growing problem. Embassy's economic FSN estimated that Uzbekistan spends about 7 percent of GDP on educational expenses. End comment.

...BUT IMPOSITION OF WESTERN STANDARDS COULD LEAD TO "PUBLIC EXPLOSION"

¶20. (C) The statement argues that Western moral standards cannot be "artificially introduced" into Uzbek society, claiming that the imposition of democratization from outside could lead to a "public explosion." The statement also accuses "partisan forces" in the West of using false information and "double standards" for their own "opportunistic purposes." The response ends with the government's rejection of a "master-student" dialogue with the EU, stating that any negotiations must be a "two-way" street.

¶21. (C) During the government-sponsored human rights conference on October 17, GOU officials used similar rhetoric to describe the country's interaction with the EU on human rights. National Human Rights Center Director Saidov stated that any dialogue on human rights with Uzbekistan must take into account the "culture and psychology" of its people and the government will refrain from engaging with countries who have "other interests in mind." He reiterated that the GOU will continue its dialogue with the EU, but that the "attitude" of "some EU countries" has been obstructive, singling out the United Kingdom in particular. Deputy Foreign Minister Minovarov accused "western" countries of using human rights as a "pressure tactic" to achieve their geopolitical interests in the region.

COMMENT

¶22. (C) The written statement does not include any rhetoric that we have not heard before. The statement as a whole simply underscores that the Uzbeks do not show our perception of what constitutes a serious dialogue on human rights with the EU or any other international actor. If their response is to be believed, Uzbekistan suffers from few, if any, human rights abuses and the West is cynically using the issue as an instrument for geopolitical gain. While the Uzbeks are not fully closing the door to dialogue on human rights with the EU or other partners, we doubt that much progress can be made, at least in the short term.

¶23. (C) The statement also reconfirms that the GOU follows closely statements made by foreign institutions and individuals about Uzbekistan. The regime values international legitimacy. We need to weave greater focus on Uzbekistan's image abroad into our discussion with the GOU on human rights.

¶24. (C) In one important respect, though, the GOU is being completely honest: a significant element within the GOU, and in particular within the security services, has long argued that US and EU prescriptions on human rights and greater political freedom would result in chaos or worse. They still seem to believe this.

¶25. (C) The GOU has now formally invited the OSCE to observe the December presidential election, but it also has clearly left the door open to inviting other, possibly competing, groups to monitor the election, such as a delegation from friendly Commonwealth of Independent States (CIS) countries.  
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